

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN  
&  
THE HONOURABLE MR. JUSTICE SUNIL THOMAS**

**TUESDAY, THE 7TH DAY OF JULY 2015/16TH ASHADHA, 1937**

**RFA.No.668 of 2014 (G)**  
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**AGAINST THE JUDGMENT AND DECREE IN O.S.No.65/2010 OF PRINCIPAL SUB  
COURT, THALASSERY DATED 24.06.2014**

**APPELLANT/PLAINTIFF :-**  
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**BABU @ LUKOSE, S/O. DEVASSIA,  
AGED 48 YEARS,  
RESIDING AT MADATHIL HOUSE,  
PAYAM AMSOM AND DESOM OF IRITTY TALUK.**

**BY ADVS.SRI.K.V.PAVITHRAN  
SRI.JAYANANDAN MADAYI PUTHIYAVEETIL  
SRI.P.SAJU**

**RESPONDENTS/DEFENDANTS :-**  
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- 1. DAISY, D/O. DEVASSIA,  
AGED 60 YEARS, NO OCCUPATION, RESIDING AT EDAYAR,  
KOLAYAD AMSOM EDAYAR DESOM, THALASSERY TALUK,  
PIN-670 644.**
- 2. GEORGE SEBASTIAN , S/O. DEVASSYS,  
AGED 57 YEARS, RESIDING AT GEORGE GARDENS,  
PULLIAKODU, CHEVAYOOR AMSOM DESOM,  
KOZHIKODE TALUK, PIN-670 644.**
- 3. JOSE , S/O. DEVASSIYA,  
AGED 51 YEARS, RESIDING AT KIZHAKEYIL HOUSE,  
VELLARVALLY AMSOM THUNDIYIL DESOM, THALASSERY TALUK,  
PIN-670 644.**
- 4. BABY SEBASTIAN KIZHAKKAYIL,  
S/O. DEVASSIYA, AGED 49 YEARS,  
AGRICULTURIST, KIZHAKKEYIL HOUSE,  
VALLARVALLI AMSOM THUNDIYIL DESOM, IRITTY TALUK,  
PIN-670 644.**

5. BINDHU , D/O. DEVASSYA,  
AGED 41 YEARS, NO OCCUPATION,  
RESIDING AT CHARISMA VILLA, KANNUR AMSOM CHALAD DESOM,  
KANNUR TALUK, PIN-670 644.
6. SYNDICATE BANK,  
PERAVOOR BRANCH, REP. BY ITS BRANCH MANAGER,  
PERAVOOR AMSOM DESOM, IRITTY TALUK.
7. THE PERAVOOR POST OFFICE ,  
REP. BY ITS HEAD POST MASTER,  
VELLARVALLI AMSOM THUNDIYIL DESOM,  
IRITTY TALUK, P.O.VELLARVALLI,  
PIN-670 644.
8. THUNDIYIL POST OFFICER,  
REP. BY ITS POST MASTER,  
VELLARVALLI AMSOM THUNDIYIL DESOM,  
IRITTY TALUK, P.O.THUNDIYIL,  
PIN-670 644.
9. THUNDIYIL CO-OPERATIVE BANK,  
REP. BY ITS MANAGER,  
VELLARVALLI AMSOM THUNDIYIL DESOM,  
IRITTY TALUK, P.O.VELLARVALLI, PIN-670 644.
10. VANITHA SERVICE CO-OPERATIVE BANK,  
REP. BY ITS MANAGER, THUNDIYIL BRANCH,  
VELLARVALLI AMSOM DESOM, PIN-670 642.
11. GRAMEEN BANK,  
THUNDIYIL BRANCH, VELLARVALLI AMSOM THUNDIYIL DESOM,  
IRITTY TALUK, P.O.VELLARVALLI, PIN-670 644.
12. URBAN BANK ,  
PERAVOOR BANK REP. BY ITS MANAGER,  
PERAVOOR AMSOM DESOM, THALASSERY TALUK,  
PIN-670 644.
13. STATE BANK OF INDIA,  
IRITTY BRANCH, REP. BY ITS BRANCH MANAGER,  
KEEZHOOR AMSOM DESOM, THALASSERY TALUK,  
PIN-670 644.

R4 BY ADV. SRI.P.V.SURENDRANATH  
R9 & R12 BY ADVS. SRI.MATHEW JOHN (K)  
SRI.DOMSON J.VATTAKUZH

THIS REGULAR FIRST APPEAL HAVING BEEN FINALLY HEARD  
ON 07-07-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

**THOTTATHIL B.RADHAKRISHNAN  
&  
SUNIL THOMAS, JJ.**

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**R.F.A.No.668 of 2014**

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Dated this the 7<sup>th</sup> day of July, 2015

**JUDGMENT**

**Thottathil B.Radhakrishnan, J.**

The learned counsel for the appellant says that this matter is settled out of court and that is why balance court fee has not been paid. Appeal is liable to be rejected for non-payment of balance court fee. Hence, appeal is rejected for non-payment of balance court fee. Refund the court fee paid at the stage of institution to the appellant through the learned counsel appearing for him in this appeal.

Sd/-

**THOTTATHIL B.RADHAKRISHNAN  
JUDGE**

Sd/-

**SUNIL THOMAS  
JUDGE**

rkj

//TRUE COPY//

P.A. TO JUDGE